



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

FEBRUARY 18, 2020

TO: PLANNING COMMISSION

RE: **STAFF SUMMARY REPORT**
CONDITIONAL USE PERMIT – TIM JANACEK

STAFF: ASHON ROBINSON, PLANNER I

REQUEST INFORMATION:

ADDRESS/LOCATION:	1.50± acres at 1880 S. 26 th Street
CURRENT ZONING:	A-1 (Agricultural)
CURRENT USE:	Undeveloped Land
PROPOSED USE:	Building Services

APPLICANT INFORMATION:

APPLICANT/REPRESENTATIVE:	Tim Janacek/Will Kellstrom
PROJECT OWNER/DEVELOPER:	Tim Janacek
PROPERTY OWNER:	Tim & Jeanette Janacek
REQUEST:	CUP Approval

CITY INFORMATION:

CGM GROWTH DESIGNATION:	Neighborhood Center
GROWTH DESIGNATION CHARACTER:	Mixed-use centers located around intersections of arterial and collector streets. Polycentric pattern serves neighborhood populations within 1/2 mile radius of each center and supports efficient multi-modal transportation network. Goals include creating neighborhood character, conserving opportunity for non-residential activities, and providing accessibility to civic facilities, religious assembly, basic commercial services, and recreation.
ZONING DISTRICT INTENT:	Per Sec. 14-710(a), the C-3 zoning district is intended "for the development of a compact, mixed-use, neighborhood-oriented environment that transitions into lower density residential near Neighborhood Center boundaries. This district allows uses that provide essential goods and services to surrounding neighborhoods in a way that promotes placemaking and pedestrian accessibility. It is also intended to encourage medium-density residential development such as townhomes, bungalow courts, and other multi-unit or attached single-family housing types. Because the permitted non-residential uses are intended to be integral to the functions of a neighborhood, emphasis is placed on design and neighborhood compatibility.
USE DEFINITION:	Per Sec. 14-695(3)(l), "Building Service is a secondary use classification encompassing businesses that provide maintenance and repair services for structures, mechanical elements of structures, the exterior spaces of premises, or large equipment whether the maintenance is performed in the customer's home or at the location of the business"
AUTHORITY:	Sec. 14-723, Rogers Code of Ordinances

PLANNING REVIEW:

1. BACKGROUND:

- a) This CUP request is to allow for the development of a 5,000 square foot building at the subject location to expand the operations of an existing remodeling business. The applicant has been operating the existing remodeling business on the property to the North (1812 S. 26th Street), which is also their primary residence. In reviewing this request, it was discovered that the applicant does not currently have a conditional use permit for "Building Services" at 1812 S. 26th Street; regardless of the outcome of the subject request, the existing operations should be made legal through an additional CUP request for existing operations.

2. CONDITIONAL USE CONSIDERATIONS PER Sec. 14-723(a)(3):

- a) Is the proposed use listed as conditional in the subject zoning district and is the property zoned correctly?
 - The proposed use is conditional in A-1; however, the property is not zoned correctly, as the Neighborhood Center Growth Designation calls for the C-3 zoning district.
- b) Is the proposed use compatible with adjacent property in a way that is not contrary to the city's Comprehensive Growth Map?
 - Building Services is a use that is allowed in higher intensity zoning districts; it's inclusion in the Agricultural district reflects the intention for A-1 to be in low-density areas, where higher intensity uses are more appropriate. The property sits in the Neighborhood Center Designation, and is surrounded by the Neighborhood Designation, neither of which are intended to introduce high intensity commercial uses to an area.
- c) Can all other zoning requirements be met?
 - Aside from special terms of approval attached to the Conditional Use Permit itself, the business license process does not require compliance with zoning standards other than permitted uses and use limitations. Any nonconforming structures may continue to exist so long as they are not altered in a way that increases the degree of nonconformity.
- d) Will ingress and egress for the proposed use create a traffic hazard?
 - See Engineering Review below.

3. REPORTS FROM OTHERS: The Planning Division has not received supporting or opposing comments to date.

4. RECOMMENDATIONS: The Planning Commission should always consider requests with regard to land-use compatibility and the health, safety, and general welfare of the public in making their decision.

i. **DENY the request**

ENGINEERING REVIEW:

1. STREET NETWORK CAPACITY:

- a) General Findings: The proposed would not create or compound a traffic hazard in terms of access management.

STAFF SIGNATURES:



Ashon Robinson, Planner I
City of Rogers Planning Division



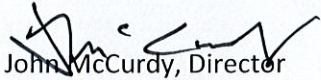
Kristifier Paxton, Development Compliance Manager
City of Rogers Engineering Division

SUGGESTED MOTIONS:

1. FOR APPROVE: "Move to approve the request by Tim Janacek to allow "Building Services" located at the subject location as presented."
2. FOR APPROVE WITH CONDITIONS: "Move to approve the request by Tim Janacek to allow "Building Services" located at the subject location subject to [conditions, contingencies, or staff recommendations]."
3. FOR DENY: "Move to deny the request as presented."
4. FOR TABLE: "Move to table the request [indefinite or date certain]."

DIRECTOR'S COMMENTS:

1. Agree with recommendations.



John McCurdy, Director
City of Rogers Community Development

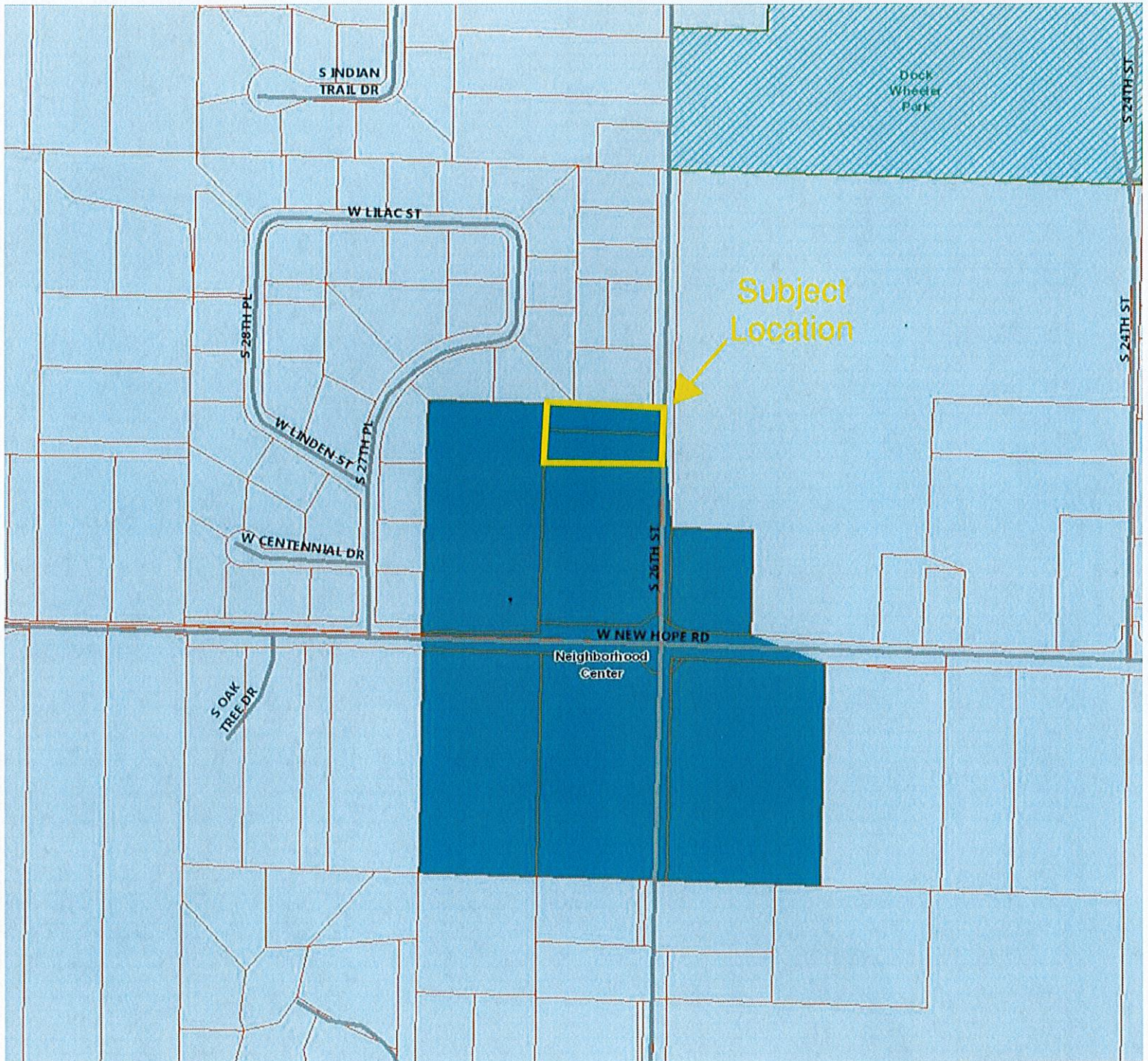
TABS:

1. Vicinity Map
2. CGM Map
3. CUP application

VICINITY MAP:



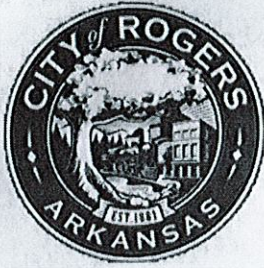
COMPREHENSIVE GROWTH MAP:



CH35592

OFFICE USE ONLY

Permit Fee: \$100 (\$100)
 Zoning: A-1
 Permit Number: 20-05
 CityView Application: PL202000084
 Date: 01/30/2020



DEPT. OF COMMUNITY DEVELOPMENT
 PLANNING DIVISION
 CITY OF ROGERS, ARKANSAS
 301 W. CHESTNUT
 PHONE: (479) 621-1186
 FAX: (479) 986-6896

CONDITIONAL USE PERMIT

APPLICANT: Tim Janacek

ADDRESS: 1880 S. 26th St., Rogers, AR 72758 SUITE #: _____

PHONE #: 479-636-2168 EMAIL: bwatkins@watkinslawoffice.com
wkellstrom@watkinslawoffice.com

Tim E. Janacek & Jeanette M. Janacek
 PROPERTY OWNER: Trustees of The Janacek Rev. Trust PHONE #: c/o 479-636-2168

PRESENT USE: undeveloped ZONING: A-1

PROPOSED CONDITIONAL USE: Building materials and Services

PARKING SPACES AVAILABLE: yes HOURS OF OPERATION: 8a.m.-5p.m.

IF APPLYING TO OPEN A DAYCARE:

NUMBER OF CHILDREN: _____ MOST CHILDREN AT ONE TIME: _____

T.E. Janacek 1/30/20
 Applicant Signature Date

Is the property switching from a residential to non-residential use?

- ☐ Yes. If so, large-scale approval and/or coordination with Risk Reduction for compliance with the appropriate building codes will be required.
☐ No

Attachment Checklist:

- ☒ Letter explaining request
☒ Legal description of property
☒ Applicant Certification
☐ Site plan as needed
☒ Letter of Approval from Property Owner

PLANNING STAFF PROVIDES:

DATE FILED: 01/30/2020 PUBLIC HEARING DATE: 02/18/2020 CERTIFIED MAIL DATE: 02/03/2020

PLANNING COMMISSION ACTION: _____

COMMENTS, CONDITIONS, LIMITS: _____

**WATKINS, BOYER,
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

January 30, 2020

Department of Planning
City of Rogers
301 W. Chestnut
Rogers, AR 72756

RE: Conditional Use Permit at 1880 S. 26th St.

Dear Planning Staff,

My client, Tim Janacek, is the owner of Parcel No. 02-01668-001 and is seeking a conditional use permit in order to build an office building out of which to operate his remodeling business, Janacek Remodeling.

The property is currently zoned A-1, which allows for "Building Materials and Services" as a conditional use. Mr. Janacek plans to build a 50 foot by 100 foot (5,000 sq ft) metal building on the property. The building will house offices for Janacek Remodeling and will have a garage area used for acclimating cabinets and other wood components prior to installation on remodeling projects. The hours of operation for the business will be 8:00 a.m. to 5:00 p.m., Monday through Friday. The front entrance of the building will face S. 26th St., and will have a stone and hardy-board facade and a covered entryway with decorative wood columns and beams. A rendering of the proposed building as been enclosed with this letter.

Because Mr. Janacek already operates his remodeling business from an office located on his property immediately to the North, the project is not expected to increase traffic in the area by any appreciable amount. Likewise, it is not expected to generate any additional light or noise. The property will be screened from the residential neighborhood to the West by a six-foot wooden privacy fence, which will surround the entire parcel, and by landscaping and trees which have already been planted.

The building will have gravel parking for three cars at the front of the building and will have a gravel drive leading to the garage doors on the North side of the building. Mr. Janacek anticipates that the majority of his company trucks will continue to park in the screened parking located on his property immediately to the North.

Lastly, no hazardous or flammable materials will be stored or used in the building.

In short, Mr. Janacek is requesting a conditional use permit to operate a "mom and pop" remodeling business on the property. As he has already done with his property immediately to the North, Mr. Janacek will take precautions to ensure that his use of the property conforms to the surrounding area in both function and aesthetic and does not disturb his neighbors.

Sincerely,

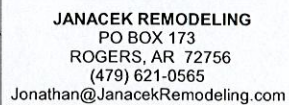
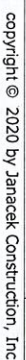
WATKINS, BOYER,
GRAY & CURRY, PLLC



Will A. Kellstrom

WK:
pc:

All Drawings, renderings, and photographs are property of Janacek Construction, Inc. Unauthorized use of drawings for Construction purposes or reproduction is strictly prohibited



C:\Users\Jonathan\3D Main\3D\3D Home Architect Plans\Tim's House - Office\Tim Jaracek - Office layout

Page #
1 of 5

